

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 OCT 2006

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Applicant's or agent's file reference 19365-098313		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416																									
International application No. PCT/US04/24993		International filing date (day/month/year) 02 August 2004 (02.08.2004)		Priority date (day/month/year) 01 August 2003 (01.08.2003)																									
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Applicant INTIER AUTOMOTIVE INC.																													
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																													
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>						<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 28 February 2005 (28.02.2005)			Date of completion of this report 05 September 2006 (05.09.2006)																										
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201			<p>for Authorized officer Alfred Joseph Wujciak III Telephone No. (571) 272-3600</p> <p><i>ABrown</i></p>																										

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

the international application in the language in which it was filed.

a translation of the international application into English, which is the language of a translation furnished for the purposes of:
 

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4(a))
- international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:  
pages 1-2, 4-6, 8-12 as originally filed/furnished  
pages\* 3 and 7 received by this Authority on 01 June 2005 (01.06.2005)  
pages\* NONE received by this Authority on \_\_\_\_\_

the claims:  
pages 13 as originally filed/furnished  
pages\* NONE as amended (together with any statement) under Article 19  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_

the drawings:  
pages 1/8 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (*specify*): \_\_\_\_\_

any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (*specify*): \_\_\_\_\_

any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/24993Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims <u>3</u>	YES
	Claims <u>1,2</u>	NO
Inventive Step (IS)	Claims <u>3</u>	YES
	Claims <u>1-2</u>	NO
Industrial Applicability (IA)	Claims <u>1-3</u>	YES
	Claims <u>NONE</u>	NO

## 2. Citations and Explanations (Rule 70.7)

Claims 1-2 lack novelty under PCT Article 33(2) as being anticipated by EP 0 940 288 A (Mazda Motor).

The EP 0940 288 teaches a raiser assembly for selectively coupling a seat (12, 13) assembly to a front slide rail (29) and rear slide rail (20) on the floor (8) of an automotive vehicle, said riser assembly including a front latch mechanism (30, 32) adapted to be operatively coupled to the front slide rail (29), said front latch mechanism (30, 32) having a support plate for supporting said riser assembly on the front slide rail (29); a rear latch mechanism (30, 32) adapted to be operatively coupled to the rear slide rail (29), said rear latch mechanism (30, 32) having a mounting plate for supporting said riser assembly on the rear slide rail (29) and a pair of opposing front and rear latch plates for selectively engaging and securing said rear latch mechanism (30, 32) to the rear slide rail (29); and simultaneously engaging and releasing said front and rear latch plates from engagement with the rear slide rail (29) to selectively couple said riser assembly to the front and rear slide rails (29).

Claim 3 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a connecting link extending between said release cam member and said latch plate for simultaneously engaging and releasing said latch plate from engagement with the front slide rail in response to said release cam member engaging and releasing said front and rear latch plates from engagement with the rear slide rail.

----- NEW CITATIONS -----

Figure 4 is an enlarged perspective view of a front latch mechanism;

Figure 5 is an enlarged perspective view of a rear latch mechanism;

Figure 6 is a side view of the riser assembly and front and rear latch mechanisms;

Figure 7 is a side view of an alternative embodiment of the riser assembly of the present invention; and

Figure 8 is a side view of a second alternative embodiment of the riser assembly of the present invention.

#### **DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT**

Referring to Figure 1, a seat assembly 10 for an automotive vehicle is shown in a seating position. The seat assembly 10 includes a generally horizontal seat cushion 12 and a generally upright seat back 14. The seat back 14 is pivotally coupled to the seat cushion 12 by a pair of spaced apart recliner mechanisms 16, as are commonly known to one skilled in the art. The recliner mechanisms 16 provide pivotal adjustment or movement of the seat back 14 relative to the seat cushion 12 between the generally upright seating position, as shown in Figure 1, and a forwardly folded position overlying the seat cushion 12, as shown in Figure 2. The seat cushion 12 extends between an upper surface 18 for supporting an occupant above a floor 20 in the vehicle and an opposite bottom surface 22. The seat assembly 10 further includes a riser assembly 24 extending between the bottom surface 22 of the seat cushion 12 and the floor 20 of the vehicle. A track mechanism 26, as is commonly known to one skilled in the art, is coupled between the bottom surface 22 of the seat cushion 12 and the riser assembly 24 for allowing selective forward and rearward sliding adjustment of the seat cushion 12, and seat back 14, relative to the riser assembly 24. The riser assembly 24 allows selective positioning of the seat assembly 10 between a generally horizontal seating position, as shown in Figure 1, and a tumbled position, as shown in Figure 3. The riser assembly 24

19365/094676

the rear slide rail 30. The front latch plate 110 further includes a cam surface 118 facing and adjacent to the forward edge of the flange 106 and seated in the space between the flange 106 and the outboard side surface of the mounting plate 100. The rear latch plate 112 similarly is pivotally connected to the mounting plate 100 by a pivot shaft 120 and extends below the lower base plate 102 to a hook portion 122 for engaging the bulbous portion 40 of the rear flange 36 of the rear slide rail 30. The rear latch plate 112 also includes a cam surface 124 facing and adjacent to the rearward edge of the flange 106 and seated in the space between the flange 106 and the outboard side surface of the mounting plate 100. Further, an anti-rattle latch 126, shown in Figure 6, is mounted by the pivot shaft 120 and overlaps the rear latch plate 112 to provide a secondary cinching hook around the bulbous portion 40 of the rear flange 36 to further secure the rear latch mechanism 64 to the rear slide rail 30.

The rear latch mechanism 64 further includes a triangular-shaped release cam member 130 seated in the space between the flange 106 and the outboard side surface of the mounting plate 100. A guide post 132 projects outwardly from the release cam member 130 into the U-shaped notch 108 formed in the flange 106 to slidably support and guide the release cam member 130 therealong. The release cam member 130 includes opposing front and rear cam surfaces 134, 136 for engaging with the respective cam surfaces 118, 124 on the front and rear latch plates 110, 112 to pivot the latch plates 110, 112 into and out of engagement with the flanges 36 of the rear slide rail 30.

The rear latch mechanism 64 further includes a rear release handle 140 extending between opposing side members 50, 52 and pivotally connected to the mounting plates 100. A release link 142 extends between a first end fixedly secured to the rear release handle 140 and a second end operatively coupled to the release cam member 130. The release link 142 includes an elongated slot 144 therein for slidably receiving a guide pin 146 projecting from the center of the release cam member 130. The sliding interaction between the guide pin 146